

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, APRIL 21, 2014**

I. CALL TO ORDER

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Trustee Karen Mojica, Trustee Doug Kosinski, Trustee Jeff Hicks, Trustee Dennis Fedewa, Clerk Mary Clark, Treasurer Howard Pizzo, and Supervisor Kenneth Fletcher.

Members Absent: None

Others Present: Community Development Director Mark Graham, Planner Chris Gruba, Community Development Assistant Director Gary Bozek, Parks, Recreation and Cemeteries Director Marcus Kirkpatrick, Fire Chief John Clark, Utilities Director Tom Morrissey, Township Engineer Gary Arnold, Finance Director Jeff Anderson, ECSO Deputy John Davidson, Deputy Manager Jen Roberts, and Manager Richard Watkins.

IV. PRESENTATIONS AND PROCLAMATIONS

1. 2013 Audit Presentation, Bruce Dunn of Maner Costerisan

Mr. Dunn stated that his firm employs slightly over 80 people; they perform over 100 governmental audits. Mr. Dunn stated that audits are customized for each unit, since each governmental unit is unique; a risk assessment is done, as well as what is going on in the community. Mr. Dunn stated that his firm reviews the Township minutes, reviews payroll, cash receipts, utility bills, whether excess funds are invested properly. Also reviewed is the accuracy of the adopted budget and the monitoring mechanism. Mr. Dunn also stated that the checks and balances in place are reviewed as well as how things are documented.

Mr. Dunn also stated that in the electronic world, all of those processes are reviewed as well.

Mr. Dunn stated that one thing that separates the Township from others is that it not only has a 12 month plan, it has a long range plan. Mr. Dunn stated that external and internal verifications are done as part of the audit process which is designed to detect major areas of fraud such as financial statement manipulation or misappropriation of funds.

Mr. Dunn stated that overall the Township realized an increase in revenue of just over \$91,000 which is a result of an increase of Ambulance Fees collected and Building permits. Mr. Dunn stated that the Township budget was actually very close on the expenditure side.

Mr. Dunn stated in regard to the Pension fund, the Township is approximately 69% funded which equates to about \$3.9 million short which is a manageable amount and notes that the Township has been working on and monitoring that fund.

Mr. Dunn stated in regard to the post retirement benefit funds, the accrued liability was just over \$13 million, plan assets as of 12/31/12 were \$6.5 million meaning an unfunded liability of about \$6.5 million – keeping in mind that the actuarial reports are done on a year lag. Mr. Dunn stated that the Township is monitoring and managing this fund. Mr. Dunn stated that 2013 saw a positive return on investments.

Mr. Dunn stated that when looking at the General Fund, just over \$15 million was budgeted and the Township was able to budget expenditures within \$199,000 of the budget and was actually slightly under budget in expenditures.

Mr. Dunn stated that overall the processes at the Township has in place work well and is impressive that the firm does not have a comment or recommendation letter on where there are weakness or lack of controls which is pretty rare.

Supervisor Fletcher stated that after hearing the presentation, that Township Manager Watkins does a great job of managing the Township and that finance Director Jeff Anderson is doing a great job managing the money and that both are being effective overseers of Township business.

Trustee Kosinski asked whether Mr. Dunn thought there would be any requirement for action plans to bring liabilities into conformity and or penalties. Mr. Dunn stated that he believes that continued transparency and awareness would continue and that the City of Detroit is being watched heavily as the first city of its size to declare bankruptcy. Mr. Dunn stated that it has national

attention and suspects that there will be additional reports added to the audit pages as a result.

Treasurer Pizzo thanked Mr. Dunn for his presentation and the due diligence that his firm performs.

2. Parks, Recreation, and Cemeteries Commission Recognitions

- a. Regina Root was not present – Supervisor Fletcher stated that Ms. Root expressed her regret not being able to be present. Supervisor Fletcher stated that Ms. Root has also participated in many of the activities that the Parks, Recreation and Cemeteries Committee puts on, with fundraising being a large part of it. Supervisor Fletcher thanked her for her service for the Township and stated that a Certificate of Appreciation would be mailed to her.
- b. Calvin Jones – Supervisor Fletcher presented Mr. Jones with a Certificate of Appreciation in honor of his years of service on the Parks, Recreation and Cemeteries Committee since 2000. Supervisor Fletcher recognized Mr. Jones for his fundraising efforts for the fireworks, volunteerism for activities such as Delta Rocks that the Parks Commission puts on, and his many other community minded involvement. Mr. Jones thanked the Township Board and stated how much he enjoys Delta Township.

V. SET/ADJUST AGENDA

TRUSTEE HICKS MOVED TO APPROVE THE AGENDA AS PRESENTED.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

VI. PUBLIC HEARINGS –

3. New Class C Resort Liquor License, Regal Cinemas, Inc.

- a. Public Hearing - Michael Brown from the Law Firm of Carlin, Edwards and Brown, PLLC, in Delta Township represents Regal Cinemas addressed the Board. Mr. Brown stated that at the time the application was filed in March, the owner was identified as Regal Entertainment Corporation, publically traded, as sole owner. However, Mr. Brown stated there are two additional levels of ownership between Regal Cinemas Inc. and Regal

Cinemas Entertainment. When the application is filed with the State of Michigan, this information will be updated and will be different than the original packet.

Clerk Clark asked Deputy Manager Roberts which page of the application is incorrect. Mr. Brown stated that it is on page 16 of the Board packet and the front page of the LCC form that indicates ownership of Regal Cinemas Inc., currently recorded as Regal Entertainment Group. When filed with the State, Mr. Brown indicated there would be two additional forms indicating the chain of ownership between Regal Cinemas Inc. and Regal Entertainment Group.

Treasurer Pizzo asked how liquor would be sold at the cinema. Mr. Brown stated that there is a detailed description of how alcohol sales will be handled, further stated that alcohol will be sold at the concession stands, using a wrist band system.

There was no further public comment.

TREASURER PIZZO MOVED TO CLOSE THE PUBLIC HEARING.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

b. Board Resolution

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST BY REGAL CINEMAS, INC. FOR A NEW CLASS C RESORT LIQUOR LICENSE TO BE LOCATED AT THE LANSING MALL, 5330 W. SAGINAW HIGHWAY, LANSING, MI 48917, DELTA TOWNSHIP, and EATON COUNTY.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

VII. COMMUNICATIONS - NONE

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)

Commissioner Howard Spence stated he respects and appreciates the work done at the Township. Mr. Spence stated that he is supportive of the Township Boards efforts related to Public Transportation and proposed a resolution to the Eaton County Board of

Commissioners that he thought would be helpful toward expressing support of the Township. Mr. Spence stated that it was presented, seconded and defeated as presented 13-1. Mr. Spence expressed his hope that the Commission will come to view this issue as important. Mr. Spence further noted a quotation contained in the Resolution by Bob Trezise of LEAP, "By Delta not participating in a regular bus route mass transit system, untold growth and revenue for basic municipal services is being denied to the Eaton County, Delta resident every year, decade after decade and it's like having a wall built stopping economic growth and thus revenue growth for services not only in Delta, but I see Delta as a gateway to Eaton County." Mr. Spence stated he will continue to work with the Board of Commissioners to get better support for an enhanced public transportation system in Delta. Mr. Spence further wanted to thank Jen Roberts and Dick Wagner for their work in getting a grant for the GYC – youth group that the Township sponsors.

Supervisor Fletcher thanked Mr. Spence for his comments and stated that the Township shares his desire to have enhanced and improved public transit throughout Delta Township. Supervisor Fletcher agreed that the short term solution can be worked out as far as an expansion of CATA routes through Delta via working with EATRAN as a stop gap solution. Supervisor Fletcher supports efforts of engaging the EATRAN board to continue dialogue with CATA.

IX. INTRODUCTION OF ORDINANCES

4. Introduction of Proposed Chapter 43 of the Delta Township Code of Ordinances.

The Community Development Department recommends that the Township Board introduce the proposed Chapter 43 of the Delta Township Code of Ordinances, which would regulate the display of tents.

Trustee Hicks confirmed with Assistant Planner Gruba that tents cannot be placed in a fire lane and how that relates to a couple of upcoming St. Gerard events. Assistant Planner stated that for over 200 sq. ft. it has always been reviewed by the Fire Department.

Fire Chief Clark stated that an alternate Fire Lane can be given as long as it meets the criteria – which are what St. Gerard has always done.

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE THE PROPOSED CHAPTER 43 OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED CHAPTER WOULD REGULATE THE DISPLAY OF TENTS. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS WITH FINAL ACTION ON THE PROPOSED

AMENDMENTS SCHEDULED FOR THE MAY 5, 2014 BOARD MEETING.

TRUSTEE HICKS SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

5. Introduction of Proposed Sections 42-5 and 42-34 of the Delta Township Code of Ordinances.

The Community Development Department recommends that the Township Board introduce the proposed amendments to the Delta Township Code of Ordinances.

TRUSTEE KOSINSKI MOVED THE DELTA TOWNSHIP BOARD INTRODUCE THE PROPOSED SECTIONS 42-5 AND 42-34, PARAGRAPHS (6) AND (7), OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED SECTIONS CLARIFY THE REQUIREMENTS FOR VENDING ACTIVITIES ON TOWNSHIP PROPERTIES. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS WITH FINAL ACTION ON THE PROPOSED AMENDMENTS SCHEDULED FOR THE MAY 5, 2014 TOWNSHIP BOARD MEETING.

Clerk Clark stated that she would support the motion, but would offer a friendly amendment to change the age on page 32 of the Board packet, 3# under comments, and the text would exempt persons under age 18 and it should be persons under 17, because a person arrested at 17 is treated as an adult and that is the Township benchmark.

CLERK CLARK SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

X. PASSAGE OF ORDINANCES

XI. CONSENT AGENDA –

TRUSTEE FEDEWA MOVED TO ADOPT THE CONSENT AGENDA AS AMENDED.

TREASURER PIZZO SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE DENNIS FEDEWA, TREASURER HOWARD PIZZO, TRUSTEE KAREN MOJICA, TRUSTEE R. DOUGLAS KOSINSKI, TRUSTEE JEFF HICKS, CLERK MARY R. CLARK, AND SUPERVISOR FLETCHER.

NAYS: NONE

ABSENT: NONE

THE MOTION PASSED 7-0

6. Bills and Financial Transactions	\$2,816,600.89
Bond/Debt Payments	432,212.50
Investments	
Payroll & Related	973,090.93
Refunds	6,337.55
Tax Distributions	
Vendor Claims	1,404,959.91
Total	\$ 2,816,600.89

TRUSTEE FEDEWA MOVED TO APPROVE THE BILLS AND FINANCIALS IN THE AMOUNT OF \$2,816,600.89.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

7. Minutes

March 10, 2014 – Committee of the Whole Minutes
March 17, 2014 Regular Board Meeting Minutes

Trustee Hicks asked to remove the April 14, 2014 Committee of the Whole Minutes for purposes of disclosure.

TRUSTEE FEDEWA MOVED TO APPROVE THE MARCH 10, 2014 COMMITTEE OF THE WHOLE MINUTES AND THE MARCH 17, 2014 REGULAR BOARD MEETING MINUTES.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

8. Acceptance of D & K Truck Utility Agreement

The Community Development Department recommends that the Township Board approve the Municipal Utility Agreement submitted by D&K Truck Company for

the extension of water mains to serve their proposed facility.

TRUSTEE FEDEWA MOVED THAT THE TOWNSHIP BOARD APPROVE THE MUNICIPAL UTILITY AGREEMENT SUBMITTED BY D&K TRUCK COMPANY FOR THE EXTENSION OF WATER MAINS TO SERVE THEIR PROPOSED FACILITY ON THE PROPERTY LOCATED AT 3020 SNOW ROAD, BEING IDENTIFIED AS PARCEL NO. 23-040-026-400-150-00 ON THE DELTA TOWNSHIP TAX ROLL, IN SECTION 26 OF DELTA TOWNSHIP. I FURTHER MOVE THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO SIGN THE AGREEMENT ON BEHALF OF THE TOWNSHIP.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

9 St. Gerard's Amusement/Entertainment Permit.

The Clerk's Office recommends that the Township Board grant an amusement and entertainment license to St. Gerard Church for their annual festival that is scheduled to take place on May 3, 2014.

TRUSTEE FEDEWA MOVED THE DELTA TOWNSHIP BOARD GRANT AN AMUSEMENT AND ENTERTAINMENT LICENSE TO ST. GERARD'S CHURCH TO HOLD THEIR ANNUAL FESTIVAL BETWEEN THE HOURS OF 8:00A.M., SATURDAY, MAY 3, 2014, AND CONCLUDING AT 1:00 A.M., SUNDAY, MAY 4, 2014,

AND FURTHER

THE AMUSEMENT AND ENTERTAINMENT PERMIT IS GRANTED SUBJECT TO THE FOLLOWING STIPULATIONS:

- 1) THAT ALL OTHER TOWNSHIP ORDINANCES AND REGULATIONS BE ADHERED TO;
- 2) THAT THE FIRE MARSHALL AND ELECTRICAL INSPECTOR WILL PERFORM INSPECTIONS IF REQUIRED AFTER FESTIVAL SET UP,
- 3) APPLICANT MUST ADHERE TO THE 2012 INTERNATIONAL FIRE CODE REGARDING TENTS.
- 4) FURTHER, THAT THE FEE FOR THE AMUSEMENT & ENTERTAINMENT LICENSE HAS BEEN WAIVED.
- 5) THE APPLICANT OF THE FESTIVAL SHALL BE RESPONSIBLE FOR

ALL OPERATIONAL REQUIREMENTS STATED IN SECTION 6-16 OF THE AMUSEMENT & ENTERTAINMENT ORDINANCE.

- 6) THE APPLICANT OF THE FESTIVAL SHALL BE RESPONSIBLE FOR CONTAINING ALL PARKING FOR THE FESTIVAL WITHIN THE CHURCH PROPERTY; AND
- 7) THE HOURS OF OPERATION FOR THE FESTIVAL SHALL BE SATURDAY, MAY 3, 2014, FROM 8 A.M. THRU SUNDAY, MAY 4, 2014. AT 1:00 A.M.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

10. St. Gerard's Noise Ordinance Waiver

The Manager's Office recommends that the Township board grant a waiver to the Delta Township Noise Ordinance to St. Gerard Church for their annual festival that is scheduled to take place on May 3, 2014.

TRUSTEE FEDEWA MOVED TO GRANT A NOISE ORDINANCE WAIVER TO ST. GERARD CHURCH FOR THEIR ANNUAL FESTIVAL THAT IS SCHEDULED TO TAKE PLACE ON MAY 3, 2014.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

7. April 14, 2014 Committee of the Whole Minutes

Trustee Hicks stated on page 4 of 10, 3 paragraphs from the bottom – where it states *Trustee Hicks stated that he concurs with Trustee Kosinski and Trustee Mojica*”, was actually stated by Trustee Fedewa.

TRUSTEE HICKS MOVED TO ADOPT THE APRIL 14, 2014 COMMITTEE OF THE WHOLE MINUTES AS AMENDED.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA

XIV. ITEMS OF BUSINESS

11. Final Consideration of Art Baryames Rezoning Request, Case No. 2-14-4

The Community Development Department recommends that the Township Board approve the request to rezone the property described in Case No. 2-14-04 from O, Office to B2, Community Commercial.

Community Development Assistant Director Bozek stated the purpose of the rezoning is to allow Mr. Baryames more flexibility in leasing out the remaining vacant space. Currently under the office restriction, no retail uses are allowed. No changes or modifications are being made.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD APPROVE THE REQUEST TO REZONE THE PROPERTY DESCRIBED IN CASE NO. 2-14-4 FROM O, OFFICE TO B2, COMMUNITY COMMERCIAL.

THE REZONING REQUEST GENERALLY COMPLIES WITH THE CRITERIA SPECIFIED FOR REZONINGS IN SECTION 25.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE BEING THAT:

1. THERE ARE NO PHYSICAL LIMITATIONS TO DEVELOPMENT OF THE SUBJECT PARCEL FOR THE USES PERMITTED IN THE B2, COMMUNITY COMMERCIAL, and ZONING DISTRICT.
2. THE REZONING IS GENERALLY CONSISTENT WITH THE RECOMMENDATIONS OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN.
3. THE LAND USES PERMITTED WITHIN THE PROPOSED B2, COMMUNITY COMMERCIAL, ZONING DISTRICT WOULD NOT SIGNIFICANTLY ALTER THE EXISTING CHARACTER OF THE EXISTING DEVELOPMENT ON THE SUBJECT PARCEL.
4. THE EXISTING DEVELOPMENT, WHICH IS ESSENTIALLY COMMERCIAL IN CHARACTER, HAS NOT POSED A NUISANCE OR A THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE BY REASON OF EXCESSIVE GENERATION OF TRAFFIC, NOISE, DUST, GLARE, ODORS, ETC.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

12. Recommendation to Grant a Preliminary Private Road Permit

The Community Development Department recommends that the Township Board grant a Preliminary Private Road Permit to St. Joe Holding Company, LLC, for the construction of the private road for parcels 040-018-300-101-00 & 040-018-300-140-00.

Trustee Fedewa stated there was specification for public utility easement and it is a private road. Trustee Fedewa asked if it was clear in regard to responsibility for road repair is if usage of the easement is needed to repair the utility. Community Development Assistant Director Bozek stated that typically if there is a repair to a public utility within what would be a public easement, the Township would repair any damage done to that section.

Trustee Kosinski stated that one longstanding issue in the Township is creating more roads with single points of entrance and egress and that his concern in this instance seems to be doing just that.

Community Development Assistant Director Bozek stated that the Township has a standard regulation in both subdivision regulations and the Township Zoning Ordinance with regard to when secondary access is required. Further stating that what trips this requirement is a threshold of 500 trips and that this area is being developed with 50 single family homes which would be considered a low traffic volume. In addition the road is being designed to allow adequate emergency vehicle access. Because there is such a low volume, the Township isn't as concerned about secondary access.

Treasurer Pizzo asked whether fire hydrants were required and Community Development Assistant Director Bozek stated that if was public water being provided to the development it would be required – however all of the lots in this development are served on private wells. Further stating the only public utility is sewer.

Treasurer Pizzo referenced the map and asked whether the dark green areas were water and it was stated that they are retention ponds.

CLERK CLARK MOVED THAT DELTA TOWNSHIP GRANT A PRELIMINARY PRIVATE ROAD PERMIT TO ST. JOE HOLDING COMPANY, LLC FOR THE CONSTRUCTION OF THE PRIVATE ROAD ILLUSTRATED ON PLANS PREPARED BY ZIEMNICK FOSTER ENGINEERING, LLC, DATED SEPTEMBER 12, 2013, FOR PARCEL NOS. 040-018-300-101-00 & 040-018-300-140-00, IN SECTION 18 OF DELTA TOWNSHIP. THE GRANTING OF THE PRELIMINARY PRIVATE ROAD PERMIT SUBJECT TO THE FOLLOWING STIPULATIONS:

1. APPROVAL OF THE ROAD BY THE EATON COUNTY DRAIN COMMISSIONER'S OFFICE.
2. THE PLANS SHALL BE REVISED AS PER THE REQUIREMENTS OF THE TOWNSHIP ENGINEER.
3. A ROAD NAME SHALL BE APPROVED BY THE TRI-COUNTY REGIONAL PLANNING COMMISSION AND THE EATON COUNTY CENTRAL DISPATCH (911).
4. THE ROAD SHALL BE DESIGNED AND CONSTRUCTED AS PER THE REQUIREMENTS OF THE DELTA TOWNSHIP FIRE DEPARTMENT'S SPECIFICATIONS.
5. THE ROAD SHALL MEET THE REQUIREMENTS OF, AND THE APPLICABLE PERMITS SHALL OBTAINED FROM, THE EATON COUNTY ROAD COMMISSION
6. APPROVAL FOR THE PROPOSED LAND DIVISIONS SHALL BE OBTAINED FROM THE TOWNSHIP PLANNING DIVISION AND ASSESSING DEPARTMENT.
7. THE REQUIRED ROAD MAINTENANCE PROVISIONS CONTAINED WITHIN THE DEVELOPER'S PROPOSED "DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS" SHALL BE RECORDED AT THE EATON COUNTY REGISTER OF DEEDS OFFICE.
8. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP CODE OF ORDINANCES PERTAINING TO THE PRIVATE ROAD, AND/ OR APPLICABLE SECTIONS OF THE TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS HEREIN REQUIRED BY THE DELTA TOWNSHIP BOARD, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS PRELIMINARY PRIVATE ROAD PERMIT BY THE DELTA TOWNSHIP BOARD.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

13. Recommendation to Purchase Fine Bubble Diffusers

The Utilities Department recommends that the Township Board accept the quote from Refraction Company in the amount of \$60,000 plus freight to purchase diffusers for our waste water treatment plant.

Utilities Director Tom Morrissey provided a sample diffuser and stated if the Township approves would be purchasing approximately 6,000 of them and each has a 12-14 year life.

Clerk Clark asked for clarification of what the diffusers do. Utilities Director Morrissey stated they fit on the grid system and air is forced through them similar to an aquarium, breaks the air down into fine bubbles for better oxygen transfer. The last time the diffusers were placed was in 2000.

TREASURER PIZZO MOVED THAT DELTA TOWNSHIP ACCEPT THE QUOTE FROM REFRACTION COMPANY AT A PRICE OF \$12 EACH FOR 5,000 DOMES, GASKETS AND BOLTS FOR A TOTAL OF \$60,000 PLUS FREIGHT TO DELTA TOWNSHIP.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

14. Recommendation for Acceptance of the Bid for the Snow Road Water Tower Painting.

The Utilities Department recommends that the Township Board accept the bid from L & T Painting for the painting of the Snow Road Water Tower in the amount of \$101,900.00.

Trustee Fedewa asked if the layout was staying the same and Manager Watkins stated that is the way the bid was accepted, however the Township is reviewing the possibility of using the I Am Delta logo. Manager Watkins further stated that there is a meeting scheduled April 25, 2014 with Waverly to discuss their interest in putting their logo on. If there are changes to the layout, the quote may change, however Manager Watkins recommends starting with approving this bid first.

TRUSTEE FEDEWA MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE BID FROM L & T PAINTING FOR THE PAINTING OF THE SNOW ROAD WATER TOWER AS OUTLINED IN THEIR BID DOCUMENT DATED MARCH 18, 2014 IN THE AMOUNT OF \$101,900.00. FURTHER MOVED THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO SIGN THE NECESSARY DOCUMENTS RELATED TO THIS PROJECT.

TRUSTEE MOJICA SUPPORTED THE MOTION.

Clerk Clark noted in regard to adding Waverly's logo, that Waverly has less than 50% of Delta Township residents and that the branding campaign "I Am Delta", that Delta Township is undergoing, the use of Waverly's logo could lead to confusion.

Trustee Kosinski agreed with Clerk Clark.

Trustee Fedewa asked if the company has experience with water tower painting with the bid being so low and Manager Watkins stated that they do. Trustee Fedewa stated that he doesn't disagree with Clerk Clark's comments, however is open to the discussion with Waverly.

Manager Watkins also noted his concern of a possible decrease in size of the Delta logo if there were to be another logo on the tower, however believes the discussion is worth having.

Clerk Clark asked Township Engineer Gary Arnold if there were jobs that L & T had recently completed. Mr. Arnold stated that Keith Nelson is the engineer that is on the project with Nelson tank and included a recommendation in the bid noting that he had worked with the company multiple times before.

Treasurer Pizzo stated that the Waverly School Board had noted an interest in putting their logo on the water tower several years ago, and appreciates manager Watkins having a conversation with them.

THE MOTION PASSED 7-0.

15. Recommendation to Approve Contract with Carlisle/Wortman Associates, Inc.

The Community Development Department recommends that the Township Board contract the professional services of Carlisle/Wortman Associates, Inc., for the purpose of updating the Delta Township Zoning Ordinance.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD CONTRACT THE PROFESSIONAL SERVICES OF CARLISLE/WORTMAN ASSOCIATES, INC. FOR THE PURPOSE OF UPDATING THE DELTA TOWNSHIP ZONING ORDINANCE AT A COST NOT TO EXCEED \$30,250, UNLESS SUCH ADDITIONAL EXPENSES AS MAY BE REQUIRED ARE REVIEWED AND APPROVED BY THE TOWNSHIP MANAGER. FURTHER, THE TOWNSHIP MANAGER IS HEREBY AUTHORIZED TO SIGN AND EXECUTE THE CONTRACT FOR PROFESSIONAL SERVICES ON BEHALF OF DELTA TOWNSHIP.

TRUSTEE KOSINSKI SUPPORTED THE MOTION.

THE MOTION PASSED 7-0.

16. Recommendation to Award 2014 Water System Improvements Contracts.

The Township Engineer recommends that the Township Board accept the bid from CL Trucking and Excavating, LLC, for Contract A, Clairborne Heights, in the amount of \$695,114.20. Furthermore, the Township engineer recommends that the Township Board accept the bid from Leavitt & Starck Excavating, Inc. for Contract B, Michigan Avenue, in the amount of \$1,063,321.00.

CLERK CLARK MOVED THAT THE DELTA CHARTER TOWNSHIP BOARD ACCEPT THE BID FROM CL TRUCKING AND EXCAVATING, LLC FOR THE 2014 WATER SYSTEM IMPROVEMENTS – CONTRACT A CLAIBORNE HEIGHTS IN THE AMOUNT OF \$695,114.20.

CLERK CLARK MOVED THAT THE DELTA CHARTER TOWNSHIP BOARD ACCEPT THE BID FROM LEAVITT & STARCK EXCAVATING, INC. FOR THE 2014 WATER SYSTEM IMPROVEMENTS – CONTRACT B MICHIGAN AVENUE IN THE AMOUNT OF \$1,063,321.00.

CLERK CLARK FURTHER MOVED THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE AFOREMENTIONED PROJECTS.

TREASURER PIZZO SUPPORTED THE MOTION.

Treasurer Pizzo asked if there is a general description of the two projects and wondered how it compares to the last large Township project in Huntington Acres.

Utilities Director Morrissey stated that the project for Claiborne Heights includes Dibble from Michigan to Saginaw is similar in nature to the Huntington Acres project. Old water mains, which in this case has had around 30 breaks in it since 1990, are being replaced with new 8 inch plastic.

Utilities Director Morrissey stated in regard to Contract B, that is Michigan Avenue which is to replace the existing 8 inch main with a 12 inch main. The new main will be in the westbound, inside lane of Michigan Avenue. This will require the two north lanes (westbound) of Michigan Avenue to be shut down. Work will be done from the Family Video driveway to Thiel Avenue. Traffic will be two way using the south two lanes. This project will run approximately from the second week of June 2014 through the end of August.

THE MOTION PASSED 7-0.

XV. MANAGER'S REPORT

- Manager Watkins stated that he attended a Visioning session which is the beginning of the Regional Prosperity Grant received by the Tri-County Regional

Planning from the State of Michigan. Manager Watkins states that the process has started and will continue through the fall.

- Manager Watkins stated that storm debris is going extremely well and is getting to the point of capacity. Currently due to the frost laws, no chipper can get into the lot.
- Senior Planner Bozek and Community Development Director Graham met with a homeowner on Arden regarding the sidewalk across their driveway and they are still concerned about parking but satisfied with the sidewalk.
- Manager Watkins stated in regards to the Canal Road sidewalk, staff met with all of the owners along Canal Road. There have been problems contacting one parcel owner and will seek advice from counsel about moving forward.
- Manager Watkins stated that bids on the Webster Road main were taken this week and will be brought back at the next Board meeting for approval.

Clerk Clark clarified that despite the fullness of the lot, that no one would be turned away and Manager Watkins stated that they will figure out something. Clerk Clark also asked whether the entrance had been blocked over the preceding weekend and Manager Watkins stated there was a sawhorse there. Clerk Clark stated that it appears someone dumped a pile next to the backhoe in the entrance.

XVI. COMMITTEE OF THE WHOLE

17. Proposed Detention Basin on Mr. Hope Property, Mark Graham

Community Development Director Mark Graham gave a historical overview of the drainage issues related to the Mt. Hope Property, as expressed by residents in Pointe West in relation to the preliminary plat for the remaining lots in the Pointe West Subdivision. A meeting was held in January 2014, where Jeff Kyes, the Pointe West engineer, Township Engineer Gary Arnold received concerns from the Pointe West residents regarding flooding issues.

Several work meetings have occurred between Delta Township staff, Mike McGraw the developer of Eastbrook Homes and his engineer Jeff Kyes during the past two months. Eaton County Drain Commissioner Richard Wagner apprised of the progress in this matter.

Community Development Director Mark Graham states that last week a proposal has been submitted for a detention basin that would be installed on Township park property.

Community Development Director Graham stated that Mr. Kyes estimated that the northernmost 26 acres of the 60 acre Park property and 5.5 acres of the Roby property (west of the Park property) surface drain to the north

towards the Pointe West Subdivision. There's also 13 acres of the Park property that currently drain to the Campbell property (east of the Park property) which will eventually drain to the basin when the Park is developed. In addition, there are clay field tile in the area which apparently drain to the north.

Mr. McGraw has proposed to install a detention basin on the northern portion of the Mt. Hope Park property to receive the storm water runoff from the parcels to the south. Mr. McGraw would pay the cost of excavating the basin, restoration of the disturbed area, and installation of an outlet pipe to the proposed storm drain in the southwest corner of the Pointe West Subdivision.

We offer the following specifics regarding the proposed basin:

- The basin has been designed with adequate volume to accept the runoff from the future development of the northernmost 26 acres of the Park which was factored at a runoff coefficient of .35.
- The location of the basin was determined by the natural grades in the area.
- The deepest portion of the basin would be approximately 3 ½ ft. deep with 1 on 4 side slopes which would permit the basin to be mowed if necessary.
- It's estimated that the detention basin would occupy approximately 3 acres of the 60 acre Park property.
- The outlet pipe from the detention basin would have a restricted discharge of 2.4 cfs. It's estimated that the present runoff is approximately 8 cfs.
- A 40 ft. wide easement area is proposed from Pointe West Subdivision to the Park which will accommodate future water and sanitary sewer extensions to the park property as well as access to the basin for maintenance.
- The intent is to have the basin dedicated to the Eaton County Drain Commissioner who would be responsible for future maintenance.
- The basin has been designed as a "drain dry" facility. There are no plans to fence the perimeter of the pond.
- If the outlet to the basin became plugged, the basin would overflow onto the park property.

- The basin has been designed such that pedestrian access can be provided from the Park to the Ashford Manor and Pointe West Subdivisions.

Community Development Director Graham stated in summary that the agreement that has been worked out is that Mr. McGraw would pay for the excavation of the pond, restoration to the surrounding area of installation. The Township would gain the detention facility provided for the Township, looking toward the future development of the north end of the property, the southern end of the park property generally drains to the south and would probably go towards Mt. Hope.

Community Development Director Graham stated that in turn, the Township gives up 3 acres on the Township park property.

Trustee Fedewa asked by what means the Township plans to intercept the drainage from Township property to the Campbell property. Community Development Director Graham stated that it would depend on when the property is developed, but is not part of this particular plan.

Trustee Hicks asked for clarification about using public property for private use, not know what the Parks Department has planned for this property, further stating that the problem was created by the developer.

Manager Watkins stated that they shared Trustee Hicks concern when the proposal initially came to them and stated that that is why they discussed what the developer is going to put in when the Township develops the park, it was an even trade.

Trustee Hicks asked if there were splits available on the 60 acre parcel under the Land Division Act and Community Development Director stated there is. Trustee Hicks asked about partitioning and selling off a portion of the park property. Trustee Hicks stated in this way the Township is being compensated and still getting the benefit of the detention pond, doing this could also relieve the Drain Commissioner of maintenance of the detention pond, though that would depend on the developer.

Community Development Director Graham stated that this development is a planned unit development which yields a 15% open space requirement to the Township. Trustee Fedewa asked if the green space requirement is required to be allocated on a by phase basis and Community Development Director Graham stated that is how it has been.

Community Development Director stated that small detention ponds could be used behind each home instead, but cautions that it could bring in complaints. Trustee Fedewa stated that he was not suggesting that avenue.

Township Engineer Arnold stated that the Township does have a concept of the park property and that when the site is developed a detention pond will have to be built that is about the size of the one proposed. Township Engineer Arnold stated one of the reasons that site was found to be favorable was that it provides a buffer from the residences along the southern side.

Clerk Clark asked whether something like what was done at Groesbeck would be possible. Township Engineer Arnold stated he believes there are detention ponds there, but potentially on a much smaller scale it could be done – however there would not be standing water.

Treasurer Pizzo clarified that drain dry meant a casement or pipe that goes to the lowest level out to the storm drain. Mr. Kyes stated that drain dry means that the lowest outlet is right at the bottom. Treasurer Pizzo asked what it looks like and Mr. Kyes stated that it has not yet been determined.

Mr. Kyes noted that while the benefit of the detention pond is to the subdivision because it will slow the water down. Mr. Kyes also stated that the water that is being detained is from south of Pointe West and Ashford and is not coming from private property.

Mr. Kyes stated this detention pond is only the first step of several to fix. Mr. Keyes stated the discharge from this detention pond needs to be moved to the northeast into a different pipe because the catch basin south of the cul-de-sac has been blown and there have been flooding problems. Mr. Kyes stated part three is that Eastbrook is going forward with Ashford as the next phase, which when developed there is another 4 ½ acres flowing to the same catch basin from Ashford. Once plans for Ashford are submitted and if approved, Mr. Kyes hopes all of the work can be completed at once.

Mr. Kyes stated that if the Township allows the developer to put the detention pond on Township property, it would slow down the drainage issues enough to give the developer time to properly address the problem. Mr. Kyes states that a trail was required to come out of Ashford and a trail out of Pointe West on the east side, plus utilities along the east side to serve the Township property.

Clerk Clark asked what the next step is and Community Development Director Graham stated that tonight is to gather a general consensus that the Township should proceed with this plan, then to meet with the Township Attorney and draft a two party agreement between the Township and developers outlining responsible parties for each portion. Community Development Director Graham stated that agreement would then be brought back to the Board for approval and further stated that the developer has already agreed, but would need to be put in proper legal form.

Manager Watkins stated that the Board can review the mechanics and address concerns such as Trustee Hicks mentioned.

Trustee Hicks asked if the easement that was referenced was for the southwest corner and whether it was an existing easement. Community Development Director Graham stated the easement does not exist and the location is correct. Director Graham further stated that he believes Mr. Kyes' plan is that when Ashford Manor development starts constructing roads and digging for utilities, the detention pond would be excavated. In regard to timing, Community Development Director Graham stated that Mr. Kyes thought June or July.

Trustee Hicks asked who holds the easement as well as the scope of what they would contain – utilities/drainage and access. Community Development Director Graham stated that the 40 foot would be all of those and the easement area would be for storm drainage, however he believes that it should still continue to be available to use the pond or just open space.

Trustee Hicks asked if the property is owned by Pointe West, that the homeowner's association is granting an easement to the County as well as the Township. Community Development Director Graham stated that the 40 was going to have an easement across it and that he believes that the 3 acres will still be owned by the Township and be encumbered by an easement.

Trustee Hicks pointed out the parties benefited by the easement are the Eaton County Drain Commission, the Township and residents of that neighborhood to access the park. Community Development Director Graham stated that is why the agreement needs to be drafted by attorneys.

Mr. Kyes stated that the 40 feet and the corner area is going to be a park and a plat. Mr. Kyes stated that there cannot be an ingress/egress across a lot, so the developer can't have the trail that is required by Delta Township to have two access points to the park. Mr. Kyes stated there is a sanitary and water main extension to the park property from Pointe West, which will give the Township an easement of 40 feet in width. Mr. Kyes further stated that in this case the developer could move it down to another lot line, however the best placement would be in the 40 foot strip to allow access to the detention basin, which will have its own easement on it for maintenance by the Drain Commission.

Trustee Kosinski asked whether the Township would maintain ownership of the detention pond and Mr. Kyes stated that right now it is the Township's property for their use in the future, and the developer is building it. Mr. Kyes stated that because it is the Township's property with an easement, the maintenance is the responsibility of the Drain Office not the Township.

Trustee Kosinski summarized that it is a question is the loss of the 3 acres out of the 60 as far as recreational value as opposed to what is the overall benefit the Township may in the future be receiving, but also it co-mingles with benefit of the private residents of the development.

Clerk Clark stated there is no question that the Township has to have a way to manage the water if the Township develops the property.

Trustee Hicks stated that there are many unknown variables because there is not yet a plan to develop this property.

Clerk Clark asked for a rough estimate of the cost. Mr. Kyes stated that if it is straightforward it is estimated to be \$8,000-10,000.

Clerk Clark asked if the Township does nothing and it is Township water flowing into the subdivision if there is a liability to the Township. Mr. Kyes stated that it was an existing issue and there is no Township liability.

Lisa McCormick who is President of the homeowners association at Pointe West, lives at 7467 Lonsdale Circle. Ms. McCormick stated that she has no issue with future development but asks if the current flooding problem can be fixed. Ms. McCormick stated that there has been one home lost, the adjacent home and a car have been damaged – that the shrubs that the homeowners pay for sustained \$1,000 in damage, a house at one of the ponds has been flooded. Ms. McCormick stated that fixing Pointe West after development of Ashford Manor doesn't make sense and asked when the Pointe West problem would be solved.

Trustee Hicks stated that the leverage that the Township has is somewhat limited in respect to placing contingencies on future development.

Clerk Clark clarified the property that Mr. McGraw purchased and whether there was any liability for the developed property if he didn't develop his purchase. Clerk Clark stated that Mr. McGraw committed to fixing the problem when he last appeared at the Board meeting.

Mr. Kyes restated the steps that would need to be taken to correct the flooding problem as well as Mr. McGraw's desire to build the detention pond at the beginning of the Ashford Manor construction when the equipment is on site. Ms. McCormick asked when that was going to happen and confirmed that the detention pond would be built at the same time. Mr. Kyes stated that the plans are almost completed and it looks to be 6-8 weeks out to approval. Ms. McCormick confirmed that once Ashford Manor is approved that the Pointe West problem will be resolved with the detention pond construction. Mr. Kyes stated that is what has been

conveyed and represented at a Township Board meeting and that the plan is to mass grade it all at once and plans to extend out the 21" out into the dirt area to better collect it.

Trustee Kosinski asked what type of oversight the Township would have to ensure completion of the agreement as stated. Mr. Kyes stated that not only would there be the agreement between the Townships but it would be inspected by the Drain Office.

Supervisor Fletcher asked what the overall consensus was in regard to the proposal. Manager Watkins stated starting with the attorney, reviewing the cost/benefit ratio and the mechanics.

Clerk Clark stated that she doesn't view it as a loss if the Township maintains ownership and it solves the current drainage issues. Trustee Hicks stated that it is unknown how the Township will be developed. Clerk Clark stated that while she understands Trustee Hicks point even if the Township has to install a second pond later, that she is counting on both the Township and developer engineer to understand and develop a for Pointe West.

Trustee Hicks stated that allowing a developer to develop Township property can set precedent for future similar cases.

Supervisor Fletcher agreed that a cost/benefit review needs to be done. Manager Watkins stated that he believes the way Trustee Hicks is trying to view the proposal is if the cost to the developer was \$100,000 to put the detention pond on his property and \$10,000 to put it on Township property – that is quite a benefit to the developer and is something that needs to be weighed.

Treasurer Pizzo stated he believes there is value in solving the problem now for the residents that are there now. That it is unknown whether the Township will ever develop the property.

Trustee Kosinski stated that he agrees however the plat has changed since the original owners came. That this agreement with the Township is a way for the developer to maximize the amount of lots for maximum profitability and this is a way to take care of a water issue and still maximize lots.

Trustee Hicks noted that he is aware that the detention pond benefits him as he lives there and would save him money if the homeowner's association doesn't have to file suit in order to compel the new or old developer to fix the existing problem.

Clerk Clark clarified if Mr. McGraw decides that he isn't going to fix the Pointe West

problem the flooding doesn't get fixed and the Township has no leverage or power to fix the problem. Community Development Director Graham stated that the problem being experienced in Ashford, however as Mr. Kyes pointed out – some of the water going to Pointe West is supposed to be going to Ashford. Director Graham further stated that upon review of the Ashford plat, the proper question should be whether Ashford water is being taken on Ashford or is going elsewhere.

Clerk Clark asked where the majority of the water is coming from and Community Development Director Graham stated that there is approximately 40 acres of Township drainage right now that is going across Pointe West.

Trustee Hicks asked assuming that the Township property was not there and there was a private developer and homeowners association who came to the Township asking what the Township was going to do for them to fix the problem. Trustee Hicks stated that this problem was created because the developer did not adequately provide for drainage, and asked as a municipality whether the Township gets involved in the dispute. Community Development Director Graham stated that the answer is no, it is a civil matter and between private parties. That the Drain Office is responsible for drains.

Clerk Clark asked if Mr. McGraw chose to do nothing could the Township be sued and Trustee Hicks stated no that the Township property predated the development. Clerk Clark asked if the neither the Township nor the developer chose to develop either property then the flooding doesn't get fixed.

There was consensus to work with attorneys and bring it back to the Board.

XVII. PUBLIC COMMENTS –

XVIII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:10 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY R CLARK, CLERK

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